

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Gerhardus HAAK et al.

Group Art Unit: 1743

Application No.: 09/914,794

Examiner: S. SIEFKE

Filed: September 5, 2001

Docket No.: 110510

For: SOLID PHASE EXTRACTION INSTRUMENT AND METHOD FOR SOLID PHASE EXTRACTION

**REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the June 14, 2006 Office Action, reconsideration of the rejection is respectfully requested in light of the following remarks.

Claims 1 and 3-30 are pending in this application. Claims 8-30 are withdrawn from consideration.

**I. Rejection Under 35 U.S.C. §103(a)**

Claims 1 and 3-7 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,512,168 ("Fetner") in view of U.S. Patent No. 4,451,374 ("Peterson"). This rejection is respectfully traversed.

As admitted by the Patent Office, Fetner alone does not teach or suggest raising or lowering the temperature of the cartridge by flowing a heated or cooled liquid through the cartridge as recited in claim 1. The Patent Office thus introduces Peterson as allegedly teaching this feature.

Specifically, the Patent Office alleges that Peterson teaches a liquid chromatographic method that comprises heating the reagent solution by suitable temperature control means. The Patent Office thus alleges that one of ordinary skill in the art would have found it obvious to have modified Fetner to heat a sample prior to passing the sample through a cartridge.

Applicants respectfully disagree with the Patent Office's assertions and submit that Peterson also does not teach or suggest raising or lowering the temperature of the cartridge by flowing a heated or cooled liquid through the cartridge as recited in claim 1.

Peterson teaches a chromatographic column 10 through which a sample is eluted. It is submitted that this chromatographic column 10 most closely would be a cartridge such as that recited in claim 1. The component species of the sample in Peterson ultimately appear chromatographically displaced in the chromatographic column effluent, which is delivered to the reagent addition device or post-column reactor 24. See column 8, lines 21-31 of Peterson. In the reagent addition device or post-column reactor 24, the reagent solution is maintained at a controlled temperature by suitable temperature control means. See column 8, lines 36-41 of Peterson.

Applicants thus submit that Peterson does not teach or suggest heating the reagent solution in the cartridge as alleged by the Patent Office. Instead, Peterson teaches that the reagent solution is only used after compounds are eluted from the column to chemically modify the compounds. Thus, the heated reagent solution of Peterson only contacts the effluent coming from the column (cartridge), and does not flow through the column to control a temperature thereof. Because the heated reagent solution does not flow through the column, the heated solution will not raise or lower the temperature of the column.

Applicants thus submit that Peterson does not teach or suggest heating or cooling any liquid that passes through the cartridge to raise or lower the temperature of the cartridge as required in the present claims. Accordingly, even if the teachings of Fetner and Peterson

were to have been combined, such combined teachings would not have led one to the process of claim 1.

For the foregoing reasons, Applicants submit that Fetner and Peterson, in combination or alone, do not teach or suggest all of the features recited in claims 1 and 3-7. Reconsideration and withdrawal of the rejection are thus respectfully requested.

## **II. Rejoinder**

Applicants respectfully submit that all withdrawn claims, and at least claims 8-10, should be rejoined with claims 1 and 3-7. In particular, claims 8-10 are drawn to a solid phase extraction apparatus, while claims 1 and 3-7 are drawn to a solid phase extraction process. A product and a process that are related to each other will be considered to have unity of invention. 37 C.F.R. §1.475(b)(1-5).

Thus, Applicants respectfully request that at the very least, claims 8-10 be rejoined with claims 1 and 3-7.

## **III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1 and 3-30 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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JAO:LL/hs

Date: September 8, 2006

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